

**MINUTES
BIXBY BOARD OF ADJUSTMENT
BIXBY CITY HALL, COUNCIL CHAMBERS
7 PM, September 4, 2001**

**MEMBERS PRESENT
JEFF WILSON
CARL CARNAHAN
DAVE HILL**

**STAFF PRESENT
JIM COFFEY**

**MEMBER ABSENT
LONNIE JEFFRIES**

- 1. CALL TO ORDER** Chairman, Jeff Wilson, called the meeting to order at 7:00 PM.
- 2. CONSIDERTION OF MINUTES OF August 6, 2001.**
Carl Carnahan moved and Dave Hill seconded a motion to approve the August 6, 2001, minutes.
VOTING FOR: Wilson, Carnahan, and Hill
VOTING AGAINST: None
MOTION APPROVED: 3-0-0
- 3. BOA 370 Discussion** and Possible Action to approve a Special Exception to Chapter 2, Section 240.2e of the Bixby City Zoning Code to allow the construction of a detached greater than 750 square feet of floor area at 26 West 5th Street, Bixby, Oklahoma.

Chairman Wilson asked for the Staff Report. Jim Coffey, City Planner stated, the Ordinance in question states that a detached accessory building cannot exceed 750 square feet. Mr. Martin began construction without a building permit and received a stop work order from the building inspector. He could not get a building permit because the garage is larger than what the ordinance will allow. It is a metal building and we have received a number of calls in opposition to the building and how it appears on the site. The building is almost complete. The staff recommends denial.

Chairman Wilson opened the public hearing and asks those who had signed to speak to come to the microphone when he called there name and share their information.

Ronald Phillips 8331 E 117th Place representing his mother who lives at 35 West 5th Street. Phillips had pictures of the garage and mentioned it degraded the property values in the area. It was built without a permit, against the covenants in the area, and looks like it is too close to the property line. Jeff Wilson asked Phillips to show where his mother lived on the map. Ronald Phillips shows location on map and explains the pictures he presented to the board.

Norma Stevenson, 47 West 5th Street, said she loves her neighborhood and the metal building garage make the neighborhood look bad.

Lou Jeane Gimlin, 19 W 5th Street, said she had lived in Ramsey Terrace since 1952. Nice older homes. She presented the covenants that restrict detached garages. She presented the board with dated pictures that showed the applicant continued to build even after he received a work stop order.

Dave Hill asked her to explain the pictures and the dates. He asked the planner for the date of the stop work order. The planner did not know the exact date but stated it was the last week of July.

Jim Brown, 45 West 5th Street, stated the applicant had total disregard for the city and blatantly ignored the city and did what he wanted to do.

Bryce McClain, 48h West 5th Street, said the disregard of building codes in the area set precedence for building by others.

France Etheridge, 21 West 5th Street, said the building was too large and preferred in be removed.

Bazil McDaniels, 21 West 5th Street, presented pictures and explained how the structure was not suited for the area.

George Shaver, 8 West 5th Street, said he had lived in the area for many years and was opposed to the structure.

Dorothy Ford, 110 South A Ave., said she was apposed to the garage. It looks like it is in front of the house.

The applicant, Hollis Martin, was asked by the Chairman if would like to address the board. Mr. Martin said the garage was not in front of the house, that there were a lot of junk cars in front of houses and he wanted his cars in a garage. I need the building because I'm disabled and need a place for my motor home. He said he was boss of his property and had never got a building permit in his life. The people in the neighborhood are just jealous of my garage.

Carl Carnahan asked if Martin knew he should get a building permit. Martin said he had never got a building permit in his life. He had never needed one, he had been here 75 years, and no permit was necessary. Carl Carnahan asked if he got a stop work order. Martin said he did and he stopped some but flying metal is dangerous so he continued to secure the metal to the building for safety purposes. Dave Hill asked what day he received the stop building order. Martin said he did not know but he did go ahead and secure the building. Dave Hill asked, continued building. I did not complete the building I secured the building. Carl Carnahan said he had driven by about thirty minutes ago and it looks completed. Martin said it looks completed but it is not. Dave Hill asked if he got the stop order before the metal was put on the front. Martin said he did but he put the metal on the front to keep it from blowing away. Dave Hill asked if he ignored the stop work order. Martin said no, the building was dangerous and he needed to attach the metal for safety reasons. Jeff Wilson asked how large is the building. Martin said it was 22 by 50. Martin said it was attached to the house. Jeff Wilson asked how it was attached to the house, by a walkway, or some other way. Martin said it was a ramp because of his disability. Wilson asked if it was like a sidewalk. Martin said it was a ramp and would have a roof over it when it was completed. Dave Hill said if was hard for him to see how it was attached to the house in the picture. How is it attached? Martin said it was attached with timber. Jeff Wilson asked if the attachment was there now. Martin said it is not finished, part of it is there now.

Carl Carnahan asked if it were attached how does this change the variance. Jim Coffey said to be considered attached it would have to have a common wall or roof with the house. A walkway or ramp to a garage would be a detached garage. Martin said it is attached by a roof over the ramp.

Carl Carnahan asked the planner for the procedure if a permit is not obtained and a work order is issued. Jim Coffey said they would turn it over to the City Attorney to take legal action. Carl Carnahan asks what would happen. Jim Coffey said action would be as ordered by the court. Coffey said he had talked to the City Attorney and would take appropriate action after the action of the Board of Adjustment was determined.

Chairman, Jeff Wilson asked for additional comments from those present. No response.

Carl Carnahan asked if nuisance abatement was filed on the garage. Jim Coffey said there was a nuisance filed and that was the way the problem came to light. The Nuisance Officer checked with the Building Official and found there was no permit.

There was a discussion with the planner on the sections of the code that apply.

Dave Hill moved that the variance be denied. He was not right from the beginning and the applicant did not obey the law. He had no permit and refused to stop when he received a stop work order. Carl Carnahan seconded the motion

Voting to Deny: Carnahan, Hill, & Wilson

Voting to Approve: None

Abstaining: None

Special Exception denied: 3-0-0

Mr. Martin wanted to stay and discuss the mater and asked it be reconsidered. After several comments the Chairman instructed Mr. Martin they had taken action and would move on to the next item.

4. BBOA 371 Discussion and Possible Action to approve a Special Exception to Chapter 2, Section 240.2e of the Bixby City Zoning Code to allow the construction of a detached garage greater than 750 square feet of floor area at 13108 E 201rst Street, Bixby, Oklahoma.

Jim Coffey gave the staff report. The garage is located in Bixby Ranch Estates a Rural Estates area. The lot is approximately five acres. No comments have been received. The staff recommends approval.

The applicant, Michael Gouker, stated the structure would be a four-car garage with workshop.

Jeff Wilson asked how big it would be. Gouker said about 1900 square feet.

Dave Hill asked what he planned to do with the building. Gouker said, put his vehicles in the building and use for storage.

Jeff Wilson asked about how it would look. Gouker said it would look like the house with the same siding, shingles, color, etc.

Carl Carnahan moved for approval and Dave Hill seconded the motion.

Voting For: Carnahan, Hill, & Wilson

Voting against: None

Abstaining: None

Special Exception approved: 3-0-0

5. Old Business: None

6. New Business: None

7. Adjournment: At 8:10 pm.

Approval

Date